



CITY OF MEMPHIS

COUNCIL AGENDA

November 20, 2007

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (November 6, 2007)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

1. **ORDINANCE** to amend Chapter 2, Article VI of the Code of Ordinances, so as to establish the City of Memphis International Council, up for **F I R S T** reading.
Brittenum Ordinance No. 5245

ACTION REQUESTED: Adopt the Ordinance on First reading

GENERAL ORDINANCES - SECOND READING

2. **JOINT ORDINANCE** of the Council of the City of Memphis and Board of the County Commissioners of Shelby, Tennessee enacted pursuant to the Community Redevelopment Act of 1998; providing for the creation of a Redevelopment Trust Fund pursuant to Section 21 of the Act; authorizing the proper officials of the City to do all things deemed necessary and advisable in connection with the creation of the Redevelopment Trust Fund; and providing an effective date, up for **S E C O N D** reading.
Brittenum Ordinance No. 5240

ACTION REQUESTED: Adopt the ordinance on Second reading

3. **ORDINANCE** to establish Meeting Dates for City Council Meetings in 2008, up for **S E C O N D** reading.
Marshall Ordinance No. 5243

ACTION REQUESTED: Adopt the ordinance on Second reading

4. **ORDINANCE** providing for the creation of the Division of Community Enhancement for the purpose of addressing blight within the City of Memphis, up for **S E C O N D** reading.
Sammons Ordinance No. 5244

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING

- 5. **ORDINANCE** rezoning the south side of Goodlett Farms Parkway, extending eastwardly to the terminus of the request street name location, containing 1,431 feet in the Single Family Residential (R-S6) District, up for **F I R S T** reading.

Lowery

Ordinance No. 5246
Case No. SNC 07-802cc

Applicant: Harrah’s Operating Company – Memphis
The Reaves Firm – Representative

Request: Street name change request from Seven Star Way to Cherry Farms Road

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING

- 6. **JOINT ORDINANCE** amending the Memphis and Shelby County Subdivision Regulations, adopted by the Shelby County Board of Commissioners and the City Council of the City of Memphis on December 19, 1983, being Ordinance and Resolution No. 3352, so as to make certain changes therein by revising the requirements for Location of Septic Tank Disposal Field Beds on Unsewered Lots, up for **S E C O N D** reading.

Lowery

Ordinance No. 5241
Case No. STA 07-001cc

Applicant: Office of Planning & Development

Request: Subdivision Text Amendment as follows: Amend Sections 301.3: PRELIMINARY PLAN REQUIREMENTS and 505.3: ON SITE SYSTEMS to revise requirements for location of septic tank disposal field beds on unsewered lots

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING (None)

- 7. **NOTATIONS FROM OPD**

NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

- A. PD 07-337 – Amendment to Moriah Woods Office Park

Located on the southwest corner of Willow Road and Mt. Moriah Road, adjacent to I-240, containing 14.59 acres in an area regulated by Moriah Woods Office Park Planned Development (PD 85-352)

Applicant: Boyle Moriah Woods, LLC
Harvey Marcom, The Reaves Firm, Inc. - Representative

Request: Amend final plan to permit a communication tower and an additional sign

LUCB and OPD recommendation: APPROVAL, with conditions

- B. Case No. SAC 06-607cc – Raleigh LaGrange Road

Beginning at its intersection with Macon Road and extending southeast 1,193 feet, containing 1.75 acres

Applicant: Teransky, LLC
SR Consulting, LLC – Cindy Reaves – Representative

Request: Close & Vacate Prescriptive Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. SAC 07-607 – Fleet Street Closure

Beginning at the western terminus of Fleet Street and extending to Jack Carley Causeway, containing 1.347 acres in the Heavy Industrial (I-H) Flood Plain (FP) District

Applicant: South Fleet Street, LLC
Buck Wellford & James Strain - Representative

Request: Close and vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: December 4, 2007



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MLGW FISCAL CONSENT

8. RESOLUTION awarding Contract No. 11213, Meter Data Management System, to Itron, Inc. in an estimated funded amount of \$475,653.30. (Held from 11/4)
9. Resolution awarding Contract No. 11211, Fireproofing and Insulation, to Young Insulation Group of Memphis in an estimated funded amount of \$88,000.00.
10. Resolution awarding Contract No. 11216, Voice Mail Replacement, to Black Box Network Services in an estimated funded amount of \$122,067.00.
11. Resolution ratifying Expedited Procurement Request for award of Contract No. 11260, Administration UPS, to Electronic Power Systems, Inc. in an estimated funded amount of \$30,980.00.
12. Resolution approving Change No. 4 to Contract No. 10766, Employee Benefit Dental Plan, with Delta Dental Plan of Tennessee in an estimated funded amount of \$1,697,725.08. (This renews the contract for the fourth term, January 1, 2008 to December 31, 2008.)
13. Resolution approving Change No. 5 to Contract No. 10871, HMO Benefit Group Agreement, with AETNA U. S. Healthcare in an estimated amount of \$1,223,334.80. (This renews the contract for the fifth term, January 1, 2008 through December 31, 2008, with a 2.63% rate increase in HMO benefits and no rate increase in DMO benefits.)
14. Resolution approving Change No. 4 to Contract No. 10897, Medical Benefit Provider, with CIGNA Healthcare in an estimated amount of \$6,380,623.00. (This renews the contract for the twelfth term, January 1, 2008 to December 31, 2008, with a .4% rate increase.)
15. Resolution approving Change No. 1 to Contract No. 11179, Business Objects Software License and Related Service Agreement, with Business Objects Americas, Inc. in an estimated funded amount of \$29,000.34. (This covers continued maintenance and support for Data Warehouse software for the period November 4, 2007 to November 3, 2008.)
16. Resolution awarding 12-month contract for cable junction enclosures and ground sleeves to Stuart C. Irby in the amount of \$77,985.00.
17. Resolution awarding contract for Gas Chromatograph/Mass Spectrometer System to Varian, Inc. in the amount of \$111,715.00.
18. Resolution awarding contract for air disconnect switches, as follows:

PASCOR Atlantic c/o John J. Aertker, Jr. Co., Inc.....	\$70,420.00
Royal Switchgear Manufacturing c/o Utility Specialists, Inc.....	<u>48,640.00</u>
Total.....	\$119,060.00



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REGULAR AGENDA

CITY COUNCIL AS A RATE-MAKING BOARD

19. RESOLUTION convening City Council as a Rate Making Board for the purpose of determining the feasibility of a revision in the schedule of rates and to prescribe rates sufficient for the operation of Memphis Light, Gas and Water Division.

Chumney

ACTION REQUESTED: Adopt the resolution

COUNCIL RECESSES AS CITY COUNCIL AND CONVENES AS A RATE-MAKING BOARD

MEETING CALLED TO ORDER AS A RATE-MAKING BOARD BY THE SERGEANT-AT-ARMS

PUBLIC HEARING Re: Revised schedule of MLGW rates

Presentation by: Memphis Light, Gas & Water

20. RESOLUTION approving MLGW's 2008 Budget which includes increases in electric, gas and water rates to be effective with meters read on Cycle One of the January 2008 revenue month on a non-prorated basis.

Chumney

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION approving MLGW's 2008 changes for electric gas and water rates to be effective with meters read on Cycle 1 of the January 2008 revenue month on a non-prorated basis.

Chumney

MLG&W Board of Commissioners recommends approval

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT AS A RATE-MAKING BOARD BY THE SERGEANT-AT-ARMS

MEETING CALLED BACK TO ORDER AS THE CITY COUNCIL BY THE SERGEANT-AT-ARMS

22. APPOINTMENTS

Taylor

Alcohol Commission

Appointment

Ivette Monzon

Reappointment

Marsha Jenkins

Memphis Youth Guidance Commission

Appointments

James H. Ball
Ernest Dobbins

GENERAL ORDINANCES – THIRD AND FINAL READING

- 23. **ORDINANCE** amending Chapter 24, Article III, of the Code of Ordinances to update and amend regulations regarding Junk and Scrap Dealers, up for T H I R D and F I N A L reading. (Held from 8/21; 9/18;10/2;10/16)

Sammons

Ordinance No. 5217

ACTION REQUESTED: Take whatever action Council deems advisable

- 24. **ORDINANCE** amending the Code of Ordinances of Memphis, Tennessee Chapter 20, Miscellaneous Offenses and Provisions to add Article VII – Graffiti Vandalism, up for T H I R D and F I N A L reading.

Sammons

Ordinance No. 5238

ACTION REQUESTED: Take whatever action Council deems advisable

- 25. **ORDINANCE** amending Chapter 33, Code of Ordinances, to adjust Volumetric Wastewater Fees, up for T H I R D and F I N A L reading.

Sammons

Ordinance No. 5239

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

- 26. **RESOLUTION** accepting grant funds in the amount of Three Hundred Forty-Five Thousand, Six Hundred Twenty Dollars (\$345,620.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Career Readiness Services Grant. Resolution also amends FY 2008 Operating Budget to establish and appropriate grant funds.

Brittenum

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION

- 27. **RESOLUTION** to adopt the City of Memphis Other Post Employment Benefit (OPEB) Investment Trust for the exclusive purpose of pre-funding OPEB benefits for current and future retirees.

Chumney

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES

- 28. RESOLUTION appropriating \$146,275.00 in G.O. Bonds from the Fiscal Year 2008 CIP Budget to purchase Emergency Units for the Division of Fire Services.

Sammons

ACTION REQUESTED: Adopt the resolution

- 29. RESOLUTION appropriating \$115,000.00 in G.O. Bonds from the Fiscal Year 2008 CIP Budget to purchase Forensic Lab Burn Room Insulating System for the Division of Fire Services.

Sammons

ACTION REQUESTED: Adopt the resolution

- 30. RESOLUTION appropriating \$46,941.00 in G.O. Bonds from the Fiscal Year 2008 CIP Budget to purchase Fire Fighting SUVs for the Division of Fire Services.

Sammons

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES

- 31. RESOLUTION accepting an offer to purchase City-owned property identified as Parcel Numbers 079-061-00193 & 079-061-00196. Vacant property located in Memphis, Shelby County, Tennessee lying east of Elvis Presley Boulevard and south of Shelby Drive known as part of the Wooten Estate, originally acquired by the City under Instrument No. T3-0903 as a 75.45 acre tract, less and except 16.462 acres conveyed by the City to MLGW under Instrument No. DD-0615, the remainder to be conveyed by this agreement and being 58.98 acres, more or less, as more described in Exhibit "A" attached hereto and by this reference made part thereof. The amount of the offer is \$193,200.00. Per ordinance, the sale of the subject parcel is subject to the offer laying over for a future Council meeting for an increase of bid. Resolution approval on the second reading, after opening to the floor for an increase in the offer shall be deemed as approval of sale. Resolution also authorizes the Mayor to execute the necessary documents in connection with the sale.

2nd & Final Reading

Sammons

Director of General Services recommends approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

- 32. RESOLUTION authorizing the Division of Housing and Community Development to award \$706,991.00 in funding to designated 501(c)(3) organizations for the purpose of community initiative activities.

Ware

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION

- 33. RESOLUTION approving amendment to the MLGW Retirement and Pension Plan to include a buy-back option for eligible employees to purchase prior Division service time under certain limited conditions.

Chumney

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION granting two easements to Texas Gas Transmission, LLC, located on the west side of Outland Road and south of Burbank Avenue for the sum of \$1.00.

Chumney

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION approving purchase of property from William D. Holt, located on the southwest corner of G.E. Patterson and Hernando Street for and in consideration of \$700,000.00.

Chumney

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION approving actuarial funding to the Retirement and Pension Fund for the 2007 Plan Year.

Chumney

ACTION REQUESTED: Adopt the resolution

PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

37. RESOLUTION appropriating \$46,330.00 funded by Sewer Funds for 2820 Harbor Sewer Pump, Project Number SW02049 for the purchase of submersible pump from Gulf States Engineering Co., Inc.

Sammons

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION appropriating \$340,152.00 funded by G.O. Bonds for ADA Curb Ramps Group 32, Project Number PW04060 for a construction contract with Dixieland Contractors, Inc., to install handicap ramps.

Sammons

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION appropriating \$348,227.00 funded by G.O. Bonds for ADA Curb Ramps Group 33, Project Number PW04061 for a construction contract with Dixieland Contractors, Inc., to install handicap ramps.

Sammons

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION appropriating \$346,496.00 funded by G.O. Bonds for ADA Curb Ramps Group 34, Project Number PW04062 for a construction contract with Dixieland Contractors, Inc., to install handicap ramps.

Sammons

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION appropriating \$621,756.00 funded by Sewer Revenue Bonds for Integra PD Sewer Extension, Project Number SW01025 for a construction contract with Acuff

Sammons

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Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 42. RESOLUTION accepting Federal grant funds in the amount of \$2,943,400.00 from the State of Tennessee Department of Transportation for the Arterial Signal Improvement Project to help relieve traffic congestion and related air pollution on Lamar Avenue (US 78), Winchester Road, Germantown Parkway/Road, Stage Road (US 64) and connecting roadways. Resolution also amends FY2008 CIP Budget to establish and appropriate grant and local matching funds. Local matching funds are in approved CIP Project.

Sammons

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 43. RESOLUTION appropriating \$335,460.00 funded by G.O. Bonds for ADA Curb Ramps Group 31, Project Number PW04059 for a construction contract with Dixieland Contractors, Inc., to install handicap ramps.

Sammons

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF PLANNING & DEVELOPMENT

- 44. RESOLUTION approving a special use permit located on the southeast corner of Galloway Avenue and Holmes Street, containing 107+ acres in the Duplex Residential (R-D) District.

Lowery

Case No. SUP 07-221

Applicant: Chickasaw Country Club

Request: Special use permit to allow an expansion to fitness center

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Public Hearing Required; No Opposition at LUCB

- 45. RESOLUTION approving a use variance located on the south side of Rhodes Avenue; +/-203.68 feet east of Getwell Road, containing 0.25 acre in the Single Family Residential (R-S6) District.

Lowery

Case No. U.V. 07-08

Applicant: New Century Properties and Investment, LLC
Prime Development Group, Inc. – Representative

Request: Use variation to allow a retail/gasoline sales building

ACTION REQUESTED: Take whatever action Council deems advisable

No Public Hearing Required; No Opposition at LUCB

PUBLIC HEARINGS

- 46. RESOLUTION approving a planned development located on the southeast corner of Bazeberry Road and Forest Hill-Irene Road, containing 1.36 acres in the Agricultural (AG) District.

Lowery

Case No. PD 07-329cc

Applicant: Boyle Investment Company
Fisher & Arnold, Inc. – Representative

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Request: Planned development to allow four (4) single family homes with a minimum lot size of 4,000 square feet in area within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

37 NOTICES MAILED ON NOVEMBER 9, 2007

47. RESOLUTION approving a planned development located on the east side of Getwell Road; +257 feet south of American Way, containing 11.97 acres in the Highway Commercial (C-H) District.

Lowery

Case No. PD 07-330

Applicant: Watson-Taylor Management, Inc.
ETI Corporation – Representative

Request: Mini-Storage warehouse facility with indoor/outdoor vehicle storage and an automobile rental/leasing office

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

46 NOTICES MAILED ON NOVEMBER 9, 2007

48. RESOLUTION approving a special use permit located on the northwest side of Austin Peay Highway; 1,100 feet northeast of Lakehurst Drive, containing 8.92 acres in the Single Family Residential (RS-10) District.

Lowery

Case No. SUP 07-217

Applicant: Raleigh Assembly of God

Request: Group Shelter Use

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

116 NOTICES MAILED ON NOVEMBER 9, 2007

49. RESOLUTION approving a use variance located on the south side of Highway 70; opposite Doe Hollow Drive intersection, containing 5.00 acres in the Agricultural (AG) District.

Lowery

Case No. UV 07-07cc

Applicant: Richard Moser (d.b.a. Jacksonhouse Plumbing)

Request: Use variation for an office/workshop for plumbing contractor

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

62 NOTICES MAILED ON NOVEMBER 9, 2007

PRESENTATIONS AND RECOGNITION OF VISITORS

50. RESOLUTION approving an honorary street name change of Brooks Road to honor famed photographer Ernest and Dorothy Withers.
Taylor

ACTION REQUESTED: Adopt the resolution

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GENERAL ITEMS

51. RESOLUTION in support of naming U.S. 78 (Lamar Avenue) the “Rosa L. Parks Highway”.

Brittenum

ACTION REQUESTED: Adopt the resolution

52. RESOLUTION requesting the Tennessee Legislature to support legislation sponsored by Representative G.A. Hardaway, Sr., on the construction of a new Tennessee-Arkansas bridge.

Brittenum

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

7. NOTATION FROM OPD

NOTATIONS from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

D. Case No. PD 07-336 – GERMANTOWN ROAD PD

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: December 4, 2007

53. RESOLUTION approving final plat of GENESIS ESTATES SUBDIVISION, SECTION A.

Consent

Case No. S 02-010
Contract No. CR-5101

Resolution approves final plat located on the northwest corner of Hillbrooke Road and Jeanne Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

54. RESOLUTION approving final plat of RIDGEMONT TRAILS SUBDIVISION, SECTION B.

Consent

Case No. S 01-037
Contract No. CR-5102

Resolution approves the final plat located on the south side of Egypt Central, west of Old Allen Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

55. **ORDINANCE** amending Chapter 21, Article VI, Section 237 of the Code of Ordinances to prohibit Minors Soliciting from Right of Ways, up for F I R S T reading.

Consent

Ordinance No. 5248

ACTION REQUESTED: Adopt the ordinance on First reading

56. **ORDINANCE** amending Chapter 2, Article IV of the Code of Ordinances so as to establish the City of Memphis Youth City Council, up for F I R S T reading.

Consent

Ordinance No. 5249

ACTION REQUESTED: Adopt the ordinance on First reading.

57. RESOLUTION waiving the restrictive covenants as set forth in the City of Memphis Urban Renewal Plan, formally known as TN A-11-1, and to release the obligations of Hunt-Phelan, LLC from Instrument FM 0136, as recorded with the Shelby County Register, for the further development of the property formally known as the Hunt-Phelan Home.

Ware

ACTION REQUESTED: Adopt the resolution

ADD-ONS

58. RESOLUTION recognizing certain Police Division positions as appointed and exempt from Civil Service and to clarify the status of these employees.

Taylor

ACTION REQUESTED: Adopt the resolution

59. PRESENTATION of certificates honoring Memphis Police Department Youth Boxing Team.

Lowery

60. **ORDINANCE** repealing Ordinance 4013 regulating Sexually Oriented Businesses and adopting Adult-Oriented Establishment Registration Ordinance, up for F I R S T reading.

Consent

Ordinance No. 5250

ACTION REQUESTED: Adopt the ordinance on First reading

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 6 – Approved
7. Public Hearing Set for December 4, 2007
8. Through 20 – Approved
21. Approved, as amended
22. Approved
23. Held until December 4, 2007
24. Through 47 – Approved
48. Approved, as amended
49. Held until December 4, 2007
50. Through 54 – Approved
55. Held until December 4, 2007
56. Through 60 – Approved

ACTION TAKEN ON THE MINUTES OF NOVEMBER 6, 2007

#34 – Ord. #5232, was Sent Back to Committee, on Dec. 4, 2007

#55 – was amended

#26 – Ord. #5224 , is being put back on the Agenda on Dec. 4, 2007 for 3rd & Final Reading

Approved, as amended

ACTION TAKEN ON THE MINUTES OF ITEM #57 –Hunt Phelan Home discharge of restrictive covenants, from tonight's meeting, 11/20/07

Approved